

# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

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April 22, 2024

## VIA ECF

Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.*, 1:24-cv-01120-KPF  
Request to File Documents Under Seal

To the Honorable Katherine Polk Failla:

We are counsel for Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited.<sup>1</sup> Pursuant to Rule 9(B) of the Court's Individual Rules of Practice in Civil Cases, we write to respectfully request permission to file under seal and redact the identified portions of the following documents filed in support of and/or in connection with (i) Petitioners' Motion for Summary Judgment to Confirm Interim Measures Order, and (ii) Respondents' Opposition and Cross Motion For Summary Judgment to Vacate Interim Measures Order:

- Petitioners' Memorandum of Law in Support of Petitioners' Motion for Summary Judgment to Confirm Interim Measures Order: Highlighted portions that quote or refer to potentially confidential documents in the Arbitration, as defined below.
- Petitioners' and Respondents' Joint Rule 56.1 Statement of Undisputed Material Fact Regarding Petitioners' Motion for Summary Judgment To Confirm Interim Measures Order and Respondents' Opposition and Cross Motion For Summary Judgment to Vacate

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<sup>1</sup> Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited are referred to as "GEM." Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. are referred to as "Mullen" or "Respondents."

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April 22, 2024

Interim Measures Order (the “JSMF”): Highlighted portions that quote or refer to potentially confidential documents in the Arbitration, as defined below.

- Exhibit 5 to the JSMF: the entire document.
- Exhibit 6 to the JSMF: the entire document.
- Exhibit 7 to the JSMF: the entire document.
- Exhibit 8 to the JSMF: the entire document.
- Exhibit 9 to the JSMF: the entire document.
- Exhibit 10 to the JSMF: the entire document.
- Exhibit 11 to the JSMF: the entire document.
- Exhibit 12 to the JSMF: the entire document.
- Exhibit 13 to the JSMF: the entire document.
- Exhibit 14 to the JSMF: the entire document.
- Exhibit 15 to the JSMF: the entire document.
- Exhibit 16 to the JSMF: the entire document.
- Exhibit 17 to the JSMF: the entire document.
- Exhibit 18 to the JSMF: the entire document.
- Exhibit 19 to the JSMF: the entire document.
- Exhibit 20 to the JSMF: the entire document.
- Exhibit 21 to the JSMF: the entire document.

There is a pending arbitration between GEM and Mullen captioned *GEM Yield Bahamas Limited, et al. v Mullen Technologies, Inc., et al.*, AAA Case No. 01-21-0016-7001 (the “Arbitration”). In the Arbitration, Respondents have taken the position that at least some Arbitration-related materials are confidential and cannot be publicly disclosed. Petitioners therefore respectfully requests that the Court permit the under-seal filing of the above-identified and unredacted documents. Petitioners note that some of the above-referenced documents are already in the record in this proceeding; Petitioners’ are re-filing them (jointly with Respondents) as Joint Exhibits to the JSMF for the Court’s convenience, per the Court’s April 8 Order (Dkt. 56) requesting that previously filed submission be reformatted to conform to Local Rule 56.1, and that the Parties submit a joint exhibit list.

Hon. Katherine Polk Failla  
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Respectfully submitted,

/s/ Jonathan A. Patchen

Jonathan A. Patchen